

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

J.C.,

Plaintiff,

v.

SOCIETY OF JESUS, OREGON
PROVINCE,

Defendant.

CASE NO. C05-1662JLR

ORDER

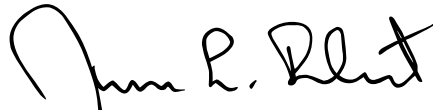
This matter comes before the court on the motion of the Defendant (“the Province”) to amend its answer (Dkt. # 100). Although the motion comes only two months before trial begins, Plaintiff has not opposed it. The court’s review of the Province’s proposed amended answer shows that the Province does not seek to add a new defense or claim for relief.

The amended answer makes only one change from the Province’s original answer. Plaintiff filed a complaint alleging that Father Michael Toulouse, a priest within the Province, had sexually abused him in 1968. Plaintiff was approximately twelve years old at the time. Father Toulouse died in 1976. In its original answer, the Province stated that it had “no knowledge that it knew or should have known of any alleged propensity of [Father] Toulouse toward sexual misconduct with minors.” In light of a 1951 document that suggests that at least some priests associated with the Province were aware of a prior

1 instance of sexual misconduct between Father Toulouse and another minor, the Province
2 has abandoned its denial of knowledge. Instead, the Province (1) states that the passage
3 of time does “not allow the presentation of all action that was taken with respect to th[e]
4 information” contained in the 1951 document, (2) insists that the “Province took some
5 action,” and (3) admits that it does not know the “full extent” of that action. The
6 Province continues to deny its liability to Plaintiff.
7

8 The impact of the amended answer is not obvious, but there appears to be no
9 reason to depart from the general rule that the court should grant leave to amend
10 pleadings liberally. Fed. R. Civ. P. 15(a). Plaintiff’s refusal to respond to the motion
11 suggests that it will suffer no prejudice from the amendment. The court therefore
12 GRANTS the Province’s motion (Dkt. # 100), and directs the Province to file its amended
13 answer within five days of this order.
14

15 Dated this 20th day of October, 2006.

16
17 

18 JAMES L. ROBART
19 United States District Judge
20
21
22
23
24
25
26
27
28